IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO. 94 OF 2006.

Re : Daleep G. Advani ..... Debtor.

Ex-parte :
Renuka Rohra ..... Petitioning Creditor.

Ms. Rekha C. Shukla, Advocate for Petitioning Creditor.

CORAM : A. M. KHANWILKAR, J.
DECEMBER 18, 2007.

P. C.

1. The present Petition is founded on the Ex-parte decree passed by the Court against debtor on 2nd November 2002 in Summary Suit No. 4957 of 2001. As the debtor failed to pay the amount, Insolvency Notice No. 84 of 2006 dated 3rd May 2006 was issued, which was duly served on the debtor on 1st June, 2006. Inspite of service, debtor failed to pay the decretal amount. In that sense, act of insolvency was completed on 7th July 2006.

2. As the debtor failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor has had no option but to take out the present action, which has been filed on 4th October 2006. The debtor has been duly personally served on 30th November 2006. Inspite of such service, none appears for the debtor. No reply has been filed. As no explanation has been offered on behalf of the debtor, Petition ought to succeed in terms of prayer clauses (a) and (c)

. Ordered accordingly.

A. M. KHANWILKAR J.